REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 2, 4, 8, 9, 11, 15, 16 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0143924 to Iga. Claims 3, 10 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iga in view of U.S. Patent No. 6,130,757 to Yoshida et al. (hereinafter "Yoshida") and claims 5-7, 12-14 and 19-21 stand rejected under the same as being unpatentable over Iga in view of U.S. Patent No. 6,675,382 to Foster.

By this amendment, claims 1, 6, 8, 10-15 and 17-21 have been amended to further define the subject matter Applicant regards as the invention. Support for the amendments to these claims can at least be found on page 16, line 18 to page 17, line 10 of the present specification. Claims 2-5, 7, 9 and 16 remain unchanged.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1-21 are presently pending in this application for consideration.

Applicant respectfully submits that each of the pending claims is patentably distinguishable over the cited references as required by § 102 and § 103. Applicant further submits that none of the cited references, whether considered alone or in combination, discloses Applicant's claimed data updating method, image forming apparatus and image forming system for updating data arranged such that: (1) *a second memory stores data* and (2) *a processor section rewrites the data saved in the second memory, which is the unupdated data stored in the first memory, into the first memory when an error occurs in data updating processing*. Each of the independent claims, namely claims 1, 8 and 15 includes this arrangement. By contrast, the cited references fail to teach or suggest this claimed arrangement. Accordingly, each of the claims is patentably distinguishable over the cited references. This distinction will be further described below.

THE CLAIMS DISTINGUISH OVER THE CITED REFERENCES

The presently claimed invention is directed to a data updating method, an image forming apparatus and an image forming system for updating data. Independent apparatus claim 8 has been amended to include: (1) *a second memory that stores data* and (2) *a processor section that rewrites the data saved in the second memory, which is the unupdated data stored in the first memory, into the first memory when an error occurs in data updating processing*. Independent apparatus claim 15 has been amended in a similar manner. Independent claim 1 recites a similar arrangement in the context of a method claim. With this arrangement, the image forming apparatus is allowed to operate in the same state as it was before the reception of the updating operation, despite a failure in the updating operation (Specification, page 17, lines 7-10).

This arrangement creates a fundamental difference between the present invention and the cited references. Iga is directed to a printer connected to a network which can be controlled and instructed by emails (Paragraph [0001], lines 1-7). According to Iga, when a control instruction from an operator in an email sentence includes a firmware update instruction along with an attached updated file of the firmware, an updating operation of the firmware of the printer is performed using the attached file (Paragraph [0009], line 1-6). As further described in Iga, a return email is sent by the printer to the operator to indicate a process result of the updating operation. The process result can be either "completed" or "failed" (Paragraph [0050], lines 12-16).

While Iga does perform sending an email to update data, the present invention has the capability of restoring data if the updating operation fails. At best, one would discern from Iga that in a "failed" process result, another email would have to be sent to restore the data before the updating operation was executed. Subsequently, additional processing operations are required to restore the data in a "failed" process result. However, Iga fails to disclose or suggest the claimed arrangement of (1) *a second memory that stores data* and (2) *a processor section that rewrites the data saved in the second memory, which is the unupdated data stored in the first memory, into the first memory when an error occurs in data updating*

processing. Thus, the present invention provides an enhanced capability with respect to restoring original data when an error occurs in updating data that is simply not present in Iga.

The Yoshida and Foster references address specific features of the method, apparatus and system described above which the Examiner alleges were not found in Iga. However, whether considered alone or in combination, neither of these references discloses the claimed arrangement recited above and thus, can not remedy the deficiency of Iga.

In conclusion, it is respectfully submitted that at least one of the features of the present invention, namely the arrangement of (1) *a second memory that stores data* and (2) *a processor section that rewrites the data saved in the second memory, which is the unupdated data stored in the first memory, into the first memory when an error occurs in data updating processing* is not disclosed in any of the references cited by the Examiner and is not suggested by any of the references either taken alone or in combination. Applicant respectfully submits that each of the pending independent claims 1, 8 and 15 is patentably distinguishable over the cited references and thus, allowable. Moreover, since independent claims 1, 8 and 15 are allowable, claims 2-7, 9-14 and 16-21 are also allowable by virtue of their direct or indirect dependence from allowable independent claims 1, 8 and 15 and for containing other patentable features. Further remarks regarding the asserted relationship between any of the claims and the cited references is not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

Accordingly, this application is in condition for allowance and Applicant respectfully requests early notice to that effect.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date _____   By _____

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